

# HOUSE BILL 1389

E2, R7

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By: Delegates Vallario, Conway, Anderson, Aumann, Bohanan, Branch, Bronrott, Cane, DeBoy, Doory, Eckardt, Elmore, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Haynes, Heller, James, Jones, Levy, Mathias, Mizeur, Proctor, Robinson, Rosenberg, ~~and Wood Wood~~, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters and Health and Government Operations

Re-referred to: Judiciary and Health and Government Operations, March 9, 2010

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Traffic Cases – ~~Funds for~~ State Police Helicopters and Ambulance, Fire, and**  
3 **Rescue Companies**

4 FOR the purpose of providing that a certain District Court surcharge ~~that provides~~  
5 ~~revenue to certain public safety funds~~ shall apply to certain traffic cases;  
6 requiring that a certain surcharge be imposed as a court cost; altering the funds  
7 to which the Comptroller is required to credit certain surcharges collected under  
8 certain circumstances; making stylistic and conforming changes; providing for  
9 the application of this Act; and generally relating to a certain surcharge in  
10 certain traffic cases in the District Court.

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 1–605(d)(8) and 7–301(a) and (f)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing  
 2 Article – Transportation  
 3 Section 27–101.2  
 4 Annotated Code of Maryland  
 5 (2009 Replacement Volume and 2009 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Courts and Judicial Proceedings**

9 1–605.

10 (d) In addition to the powers and duties granted and imposed in subsections  
 11 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the  
 12 District Court shall:

13 (8) After consultation with police administrators and the Motor  
 14 Vehicle Administrator, design arrest – citation forms that[:

15 (i) Shall] **SHALL** be used by all law enforcement agencies in the  
 16 State when charging a person with a criminal, civil, or traffic offense, [excepting]  
 17 **EXCEPT FOR:**

18 [1.] **(I)** Violations by juveniles listed in § 3–8A–33(a) of  
 19 this article;

20 [2.] **(II)** Violations of parking ordinances or regulations  
 21 adopted under Title 26, Subtitle 3 of the Transportation Article; and

22 [3.] **(III)** Other violations as expressly provided by law;  
 23 [and

24 (ii) Shall include a line on which to add the \$7.50 surcharge  
 25 assessed under § 27–101.2 of the Transportation Article;]

26 7–301.

27 (a) **(1)** [The] **EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF**  
 28 **THIS SUBSECTION, THE** court costs in a traffic case, including parking and  
 29 impounding cases, cases under § 21–202.1, § 21–809, or § 21–810 of the  
 30 Transportation Article in which costs are imposed, and cases under § 10–112 of the  
 31 Criminal Law Article in which costs are imposed [are]:

32 **(I) ARE \$22.50[.] PLUS THE SURCHARGE UNDER**  
 33 **SUBSECTION (F) OF THIS SECTION; AND**

1                   **(II)** [Such costs shall] **SHALL** also be applicable to those cases in  
2 which the defendant elects to waive [his] **THE DEFENDANT'S** right to trial and pay  
3 the fine or penalty deposit established by the Chief Judge of the District Court by  
4 administrative regulation.

5                   **(2)** In an uncontested case under § 21–202.1, § 21–809, or § 21–810 of  
6 the Transportation Article, an uncontested case under § 10–112 of the Criminal Law  
7 Article, or an uncontested parking or impounding case in which the fines are paid  
8 directly to a political subdivision or municipality, costs are \$2.00, which costs shall be  
9 paid to and retained by the political subdivision or municipality.

10                   **(3) (I)** In an uncontested case in which the fine is paid directly to  
11 an agency of State government authorized by law to regulate parking of motor  
12 vehicles, the **COURT** costs are \$2.00.

13                   **(II)** The fine and the costs **UNDER THIS PARAGRAPH** shall be  
14 paid to the agency, which shall receive and account for these funds as in all other  
15 cases involving sums due the State through a State agency.

16                   **(f) (1) THIS SUBSECTION DOES NOT APPLY TO A TRAFFIC CASE**  
17 **UNDER § 21–202.1, § 21–809, OR § 21–810 OF THE TRANSPORTATION ARTICLE**  
18 **OR TO A PARKING OR IMPOUNDING CASE.**

19                   **[(1)] (2)** In a traffic case **UNDER SUBSECTION (A)(1) OF THIS**  
20 **SECTION** [in which points may be assessed under § 16–402 of the Transportation  
21 Article, after conviction] the court shall add a \$7.50 surcharge to [any fine] **THE**  
22 **COURT COSTS** imposed by the court.

23                   ~~**[(2)] (3)** Subject to paragraph **[(3)] (4)** of this subsection, the~~  
24 ~~surcharges collected under this subsection shall be credited as follows:~~

25                   ~~(i) 50% to the Volunteer Company Assistance Fund to be used~~  
26 ~~in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article; and~~

27                   ~~(ii) 50% to the State Helicopter Replacement Fund to be used in~~  
28 ~~accordance with the provisions of § 2–801 of the Public Safety Article.~~

29                   ~~**[(3)] (4)** After \$20,000,000 is credited to the Volunteer Company~~  
30 ~~Assistance Fund in accordance with paragraph **[(2)] (3)** of this subsection, 100% of the~~  
31 ~~surcharges collected under this subsection shall be credited to the State Police~~  
32 ~~Helicopter Replacement Fund to be used in accordance with the provisions of § 2–801~~  
33 ~~of the Public Safety Article.~~

1 ~~(5) THE COMPTROLLER ANNUALLY SHALL CREDIT THE~~  
2 ~~SURCHARGES ON COURT COSTS COLLECTED UNDER THIS SUBSECTION IN~~  
3 ~~ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.~~

4 (3) THE COMPTROLLER ANNUALLY SHALL CREDIT THE  
5 SURCHARGES COLLECTED UNDER THIS SUBSECTION TO:

6 (I) THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE  
7 USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE  
8 PUBLIC SAFETY ARTICLE; AND

9 (II) THE GENERAL FUND AFTER \$20,000,000 IS CREDITED  
10 TO THE VOLUNTEER COMPANY ASSISTANCE FUND IN ACCORDANCE WITH ITEM  
11 (I) OF THIS PARAGRAPH.

12 **Article – Transportation**

13 [27–101.2.

14 (a) After computing the fine to be assessed under the District Court's  
15 schedule of preset fines or penalty deposits, a police officer issuing a traffic citation for  
16 a violation for which points may be assessed under § 16–402 of this article shall add a  
17 \$7.50 surcharge to the amount of the total fine before presenting the citation to the  
18 driver being charged.

19 (b) The Comptroller shall annually pay the surcharges collected under this  
20 section as required under § 7–301(f) of the Courts Article.]

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
22 construed to apply only prospectively and may not be applied or interpreted to have  
23 any effect on or application to any traffic violation committed before the effective date  
24 of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2010.